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TOM LEE CORDOVA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOM LEE CORDOVA,

Defendant.

Case No.: CR 11-0291 SBA

STIPULATED REQUEST TO CONTINUE CHANGE
OF PLEA AND SENTENCING TO MARCH 5, 2012
AND TO EXCLUDE TIME UNDER THE SPEEDY
TRIAL ACT AND ORDER

The above-captioned matter is set on February 8, 2012 before this Court for change of plea and sentencing. The parties have previously submitted the proposed plea agreement to the Court as well as sentencing memoranda.

The Court reset defendant Cordova's Change of Plea and Sentencing Hearing *sua sponte* from the previous date to February 8, 2012. Defendant Cordova's family members are unable to attend due to an inability to make arrangements in the shortened time frame. Multiple members of defendant Cordova's family had planned on attending the Change of Plea and Sentencing Hearing on its previous date. Defense counsel also requires this additional

1 time to prepare defendant Cordova for the upcoming hearing. Defendant Cordova requests,
2 and the government stipulates, that defendant Cordova's Change of Plea and Sentencing
3 Hearing be continued to March 5, 2012.

4 The parties, therefore, request that this Court continue this matter to March 5,
5 2012, at 10:00 a.m. for change of plea and sentencing, and that the Court exclude time
6 pursuant to the Speedy Trial Act between February 8, 2012 and March 5, 2012 for (1) effective
7 preparation of counsel, taking into account the exercise of due diligence, and (2) for
8 consideration by the Court of a proposed plea agreement to be entered into by the defendant
9 and the attorney for the government.

10 Accordingly, in order to allow time for the Court to consider the proposed plea
11 agreement and the PSR, the parties stipulate and agree that the time between February 8,
12 2012 and March 5, 2012 should be excluded pursuant to the Speedy Trial Act, and specifically
13 pursuant to 19 U.S.C. § 3161 (h)(1)(G), for consideration by the Court of a proposed plea
14 agreement to be entered by the defendant and the attorney for the government. Defendant
15 continues to agree that the Court may review the PSR even though he has not yet pleaded
16 guilty.

17 Additionally, in light of the parties' need to further review the PSR and prepare for
18 sentencing, the parties agree the ends of justice served by granting the continuance outweigh
19 the best interests of the public and defendant in a speedy trial. Therefore, the parties further
20 stipulate and request that the Court exclude time between February 8, 2012 and March 5,
21 2012 pursuant to the Speedy Trial Act for the effective preparation of counsel and pursuant to
22 18 U.S.C. 3161 (h)(7)(A) and (B)(iv).

23 DATED: February 7, 2012
24
25

1
2 _____/s/
3 JAMES C. MANN
4 Assistant United States Attorney

_____/s/
EDWIN K. PRATHER
Counsel for Tom Lee Cordova, Sr.

5 **ORDER**

6 The parties jointly requested that the change of plea and sentencing hearing in this
7 matter set for February 8, 2012 be continued to March 5, 2012 at 10:00 a.m. The parties
8 further requested that time be excluded pursuant to the Speedy Trial Act between February 8,
9 2012 and March 5, 2011 for: (1) effective preparation of counsel, taking into account the
10 exercise of due diligence; and (2) for consideration by the Court of a proposed plea agreement
11 to be entered into by the defendant and the attorney for the government.
12

13 The parties previously submitted a proposed plea agreement for the Court's
14 consideration. Accordingly, in order to allow time for the Court to consider the proposed plea
15 agreement and the Pre-Plea Presentence Investigation Report ("PSR"), the parties stipulated
16 and agreed that the time between February 8, 2012 and March 5, 2012 should be excluded
17 pursuant to the Speedy Trial Act, and specifically pursuant to 18 U.S.C. § 3161(h)(1)(G), for
18 consideration by the Court of a proposed plea agreement to be entered into by the defendant
19 and the attorney for the government. Defendant continues to agree that the Court may review
20 the PSR even though he has not yet pleaded guilty.
21

22 Additionally, in light of the parties' need to further review the PSR and prepare for the
23 sentencing hearing, the parties agreed the ends of justice served by granting the continuance
24 outweigh the best interests of the public and defendant in a speedy trial. Therefore, the parties
25 further stipulated and requested that the Court exclude time between February 8, 2012 and

1 March 5, 2012 pursuant to the Speedy Trial Act for effective preparation of counsel and
2 pursuant to 18 U.S.C. §§ 3161 (H)(7)(A) and (B)(iv).

3 Good cause appearing therefore, and pursuant to 18 U.S.C. §§ 3161(h)(l)(G) and 3161
4 (h)(7)(A) and (B)(iv),

5 IT IS HEREBY ORDERED that this matter is continued to March 5, 2012 at 10:00 a.m.
6 for change of plea and sentencing, and that time between February 8, 2012 and March 5, 2012
7 is excluded pursuant to the Speedy Trial Act, and specifically pursuant to: (1) 18 U.S.C. § 3161
8 (h)(l)(G), for consideration by the Court of a proposed plea agreement to be entered into by the
9 defendant and the attorney for the government; and (2) 18 U.S.C. §§ 3161 (H)(7)(A) and
10 (B)(iv), for effective preparation of counsel.
11

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13 2/8/12


HON. SAUNDRA BROWN ARMSTRONG
U.S. DISTRICT JUDGE